

DEPARTMENT OF FOOD AND AGRICULTURE  
PROPOSED AMENDMENT OF THE REGULATIONS

Title 4, Division 9, Chapter 4  
Section 4083

REGISTRATION OF SERVICE AGENCIES FOR  
COMMERCIAL WEIGHING AND MEASURING DEVICES

INITIAL STATEMENT OF REASONS

**BACKGROUND**

The overall mission of weights and measures is to preserve and maintain the standards of measurement essential in providing a basis of value comparison for the consumer and fair competition for industry. The principal task of weights and measures is to minimize measurement error in commercial transactions through the establishment and enforcement of standards that can be uniformly applied in the exchange of goods and services. Adherence to these standards provides both buyer and seller an assurance of equity that is the foundation of an efficient and free market economy. An effective measurement assurance program directly benefits all the citizens of the state.

The Legislature has charged the Department of Food and Agriculture with the responsibility of supervising weights and measures activities within California (Business and Professions Code, Division 5, Section 12100). The Secretary of the Department of Food and Agriculture is granted the authority in Business and Professions Code, Division 5, Section 12027 to adopt such regulations as are reasonably necessary to carry out the provisions of the Business and Professions Code, Division 5.

**SPECIFIC PURPOSE OF THE REGULATION**

Business and Professions Code, Division 5, Section 12540 Service Agent Examination and Licensing, which establishes that applicants for a service agent license shall pass a written examination and pay a fee established by the Secretary of the Department of Food and Agriculture to recover costs of the examination administration before a license is granted by the Department. Every service agent shall be reexamined every five years, and to maintain a service agent license, the reexamination shall be taken and passed on or before the date on which the examination was last taken and passed. The current regulation does not provide for a renewal process or for the replacement of lost or mutilated licenses. The effect of this regulation change ensures that applicants will follow a definitive procedure to renew current licenses and replace lost or mutilated licenses.

## **Section 4083**

This section clarifies and makes specific the procedures for a service agent to obtain a license, renew current licenses, and replace lost or mutilated licenses. An applicant must prove their identity, pay an examination fee of \$35, and provide a current license number if renewing an existing license. Current regulation provides for the completion of form number 44-013 (Est. 3/00) "Service Agent Examination for Weighing and Measuring Devices" which is incorporated by reference. By removing the form and requiring that an applicant only supply basic information; name, address, and license number allows for the use of direct input into an electronic database by the applicant or proctor. This section provides for a renewal period before expiration of a current license and outlines the procedures for reexamination and license renewal. In addition it establishes a means to replace a lost or mutilated license for a ten dollar fee.

The specific purpose of this regulation amendment along with minor editorial changes is to provide definitive license renewal and replacement procedures. The proposed changes will enable modern technology to be used where it is determined that it will improve convenience to the public or reduce costs of providing examinations and updating current licenses, including applications for new licenses.

### **Section 4083(a)**

This subsection eliminates form number 44-013 (Est. 3/00) "Service Agent Examination for Weighing and Measuring Devices". This form does not provide the flexibility to collect the applicant information by other means, such as direct computer entry or via internet. This proposed change specifies information the applicant must provide and enables collection of this information by other means. This will permit use of modern technology where it is determined it will improve convenience to the public or reduce costs of providing examinations and updating current licenses.

The proctor and applicant certification requirement is moved to subsection (b) for clarity.

### **Section 4083(b)**

The proctor and applicant certification requirement is moved to this subsection for clarity.

### **Section 4083(c)**

This subsection is changed to recognize the renewal process referenced in Subsection 4083(g) and permit license renewal up to 90 days before the current license expires without effecting the five year license period.

#### **Section 4083(d)**

This subsection change permits county and state offices to collect and retain applicant information using modern technology where it is determined it will improve convenience to the public or reduce costs of providing examinations and updating current licenses.

#### **Section 4083(f)**

This subsection is added to specify the procedure for replacing a lost or mutilated license. It establishes an additional fee to recover costs for replacing a license. The replacement fee is significantly less than the fee to obtain a new license.

#### **Section 4083(g)**

This subsection is added to permit license renewal up to 90 days before the current license expires without effecting the five year license period.

#### **TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.**

Comments from county and state personnel who administer and proctor the service agent examinations indicate a need for a license renewal process and a means to replace lost or mutilated licenses. The Director has determined service agents and local officials will benefit from the flexibility provided with these proposed regulations.

#### **REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.**

The Secretary of the Department of Food and Agriculture has determined that no alternative would be as effective or less burdensome to the affected private persons.

#### **EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.**

The cost impact of the changes in the regulation on private persons and businesses will affect only those individuals who request a replacement service agent license.